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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

L. HARRISON BERNBAUM and DR. KEITH
SCHRODER,

Plaintiffs,

v.

THE STANDARD FIRE INSURANCE
COMPANY, a Connecticut Corporation,

Defendants.

No.: 1:08cv284

AGREED ORDER OF PRESERVATION

THIS CAUSE coming to be heard on Motion of Defendant, THE STANDARD FIRE INSURANCE COMPANY, to Compel Plaintiffs, pursuant to Federal Rules of Civil Procedure 37(a)(3)(B)(iv), to produce the subject Sailboat for inspection without further repairs on May 16, 2008 and for Sanctions pursuant to Federal Rules of Civil Procedure 37, due notice having been given and the Court being fully advised in premises; IT IS HEREBY ORDERED:

- 1) Plaintiffs are ordered to cease any and all repair activities to the hull of the subject Sailboat starting 12:01 a.m., Friday, May 9, 2008;
- 2) Plaintiffs will preserve the hull of the subject Sailboat in its condition as of 12:01 a.m. May 9, 2008, until the inspection by Defendant's cause and origin expert, Bruce Pfund, is completed on May 16, 2008;
- 3) Defendants will reimburse Plaintiffs for reasonable costs incurred to repair damage to the hull of the subject Sailboat, if any, as a result of Mr. Pfund's May 16, 2008, inspection provided that the costs are supported with proper and adequate documentation and the repairs are actually made;
- 4) Defendants shall require no further inspections of the subject Sailboat after Mr. Pfund's inspection on May 16, 2008;
- 5) Plaintiffs may commence any repairs to the Sailboat, including the hull, they deem necessary following Mr. Pfund's inspection on May 16, 2008.

- 6) Defendants' request for sanctions, pursuant to Federal Rule of Civil Procedure 37, for the drafting, filing and hearing on this Motion is denied.

Nan R. Nolan

Enter: _____
Judge Dated

MAY 09 2008